

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

HOPE W.¹,)
Plaintiff,)
v.)
ANDREW M. SAUL, Acting) Civil Action No. 7:17-cv-00336
Commissioner of Social Security,²) By: Elizabeth K. Dillon
Defendant.) United States District Judge

ORDER AND FINAL JUDGMENT

In this social security case, plaintiff Hope W. and defendant Andrew M. Saul, Commissioner of the Social Security Administration (the Commissioner), both move for summary judgment under Federal Rule of Civil Procedure 56. Pursuant to 28 U.S.C. § 636(b)(1)(B), the court referred the motions to U.S. Magistrate Judge Robert S. Ballou for a report and recommendation (R&R).

On February 1, 2019, the magistrate judge issued his R&R, recommending that the court grant the Commissioner's motion, and affirm the Commissioner's final decision. (Dkt. No. 26 at 1.) The magistrate judge also advised the parties of their right under 28 U.S.C. § 636(b)(1)(C) to file written objections to his proposed findings and recommendations within 14 days of service of the R&R. (*Id.* at 19.)

¹ Due to privacy concerns, the court adopts the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States that courts use only the first name and last initial of the claimant in social security opinions.

² Andrew M. Saul became Commissioner of Social Security in June 2019. Commissioner Saul is hereby substituted for the former Acting Commissioner, Nancy A. Berryhill, as the named defendant in this action. See 42 U.S.C. § 405(g); Fed. R. Civ. P. 25(d).

The deadline to object to the R&R has passed, and no party has filed an objection. “[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Upon reviewing the record here, the court is satisfied that there is no clear error.

Accordingly, it hereby ORDERS as follows:

1. The R&R (Dkt. No. 26) is ADOPTED;
2. The plaintiff’s motion for summary judgment (Dkt. No. 17) is DENIED;
3. The Commissioner’s motion for summary judgment (Dkt. No. 21) is GRANTED;
4. The Commissioner’s decision is AFFIRMED; and
5. This matter is STRUCK from the active docket of the court.

The clerk is directed to send a copy of this order to all counsel of record.

Entered: August 15, 2019.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge